



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Atty Ruiz, Richard A. (appearing Limited Scope for Cynthia Piombino – Petitioner – Co-Guardian)**
**Atty Jaurique, George Danny (Pro Per – Co-Guardian)**
**Petition for Termination of Guardianship**

<b>Destiana Age: 12</b>		<b>CYNTHIA PIOMBINO</b> , co-guardian/paternal grandmother, is petitioner and is requesting that George Danny Jaurique, be removed as co-guardian.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order of 10/20/2014:</b> The Court notes that it is the intent of the parties to withdraw the petition and continue as co-guardians. The Court orders that Denicio attend counseling. Counsel will be preparing a stipulation as to all three children. The stipulation is to address visitation and any ongoing matters.  <b>As of 11/10/2014 a Stipulation has not been filed.</b>  1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>Don Marcelli (Maternal Grandfather)</li> <li>Susan Marcelli (Maternal Grandmother)</li> <li>Destiana Jaurique (Minor)</li> </ul>
<b>Denicio Age: 10</b>			
<b>Alyssa Age: 9</b>			
<b>Cont. from 102014</b>			
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<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/	<b>GEORGE DANNY JAURIQUE</b> and <b>CYNTHIA PIOMBINO</b> , paternal grandparents, were appointed co-guardians on 11/14/2013. George Danny Jaurique was served by mail on 09/08/2014  Father: <b>TEMUJINE JAURIQUE</b> , served by mail on 09/08/2014  Mother: <b>LISA MARCELLI</b> , served by mail on 09/08/2014  Maternal grandfather: Don Marcelli Maternal grandmother: Susan Marcelli  <b>Petitioner states:</b> she has recently been made aware of multiple occasions where the co-guardian, George Danny Jaurique, has physically abused the minor children. Petitioner learned of an incident when Denicio, the minor, was hit so hard he fell off a chair and was called stupid. On another occasion petitioner was informed that the Denicio was slapped on the back of the head. Petitioner states on 07/18/2014 she received a call from her granddaughter stating that the Co-Guardian pulled over while driving and struck the minor, Destiana, on her arm. Petitioner states the children have expressed to her how mean the paternal grandfather is and they are fearful of his controlling behavior and that he ridicules and teases them repeatedly. Petitioner alleges that the Co-Guardian does not keep the children's scheduled medical appointments nor does he provide her with the names and contact information for medical providers for the minor children.  <b>Please see additional page</b>	
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<input type="checkbox"/>	<b>9202</b>	<b>Reviewed by:</b> LV <b>Reviewed on:</b> 11/10/2014 <b>Updates:</b> <b>Recommendation:</b> <b>File 3 – Juarique</b>	
<input type="checkbox"/>	<b>Order</b> x		
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**continued from previous page:** Petitioner states that based upon the contact she has received from the children's school and the children's dental provider, she believes that the co-guardian, George Danny Jaurique, has assigned the duties of guardianship, without authority, to Tina Havens (co-guardian's wife), who is not seeking the appropriate care for the children. Petitioner has been informed that the co-guardian receives public assistance benefits on behalf of the minors and this is his basis for his refusal to allow her to exercise significant periods of physical custody with the children. She states that the co-guardian has made several luxury purchases since the receipt of public assistance benefits commenced, that the household could not afford if not for the supplemental income received from the public assistance. Petitioner is concerned that her son, the children's father, is residing in the home of the co-guardian and the children while on drugs after Court hearings and discussions with DSS said the father was to be excluded from the residence. On multiple occasions, the petitioner has been informed that Tina Havens, wife of the co-petitioner, has made disparaging comments about the petitioner to the children. Ms. Havens has even said she wish she could have punched the petitioner after a disagreement.

**Court Investigator Julie Negrete's report filed 09/25/2014.**

**Petition to Invalidate Trust Dated October 1, 2013 and any Amendments on the Grounds of Undue Influence and Incapacity; to Confirm Validity of Trust Dated April 5, 2005 as Restated on August 25, 2006 and Amended on January 14, 2009 and all Assets Held by 2005 Trust; Petition to Determine Validity of Transfer of 2005 Trust Assets; Fraud; Breach of Trust; for Financial Elder Abuse of a Dependent Adult; for Imposition of a Constructive Trust on Wrongfully Transferred Assets; for Trust Accounting; for Double Damages; for Attorney Fees and Cost of Suit; and for Punitive Damages**

<p><b>DOD: 10/14/13</b></p> <p>Cont. from 030314 060214, 101414, 101614</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 40%;">Aff.Sub.Wit.</td> <td style="width: 50%;"></td> </tr> <tr> <td>✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td>✓</td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td>✓</td> <td>Aff.Mail</td> <td>w/</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. 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ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, is Petitioner.</p> <p><b>Petitioner alleges:</b></p> <ol style="list-style-type: none"> <li><b>GLORIA ELIZABETH ZSIBA</b> aka <b>GLORIA E. ZSIBA</b> (hereinafter referred to as "Decedent") died on 10/14/13. At the time of her death, she was a resident of Fresno County and left real and personal property in Fresno County.</li> <li>Decedent had three living children, Petitioner, Kevin Lee Tracy (hereinafter "Respondent"), and Kenton N. Tracy; and one deceased daughter, Teresa Chambless. In addition, Decedent had 7 grandchildren. Decedent's spouse, Alexander J. Zsiba predeceased her.</li> <li>On 04/05/05, Decedent executed THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2005 Trust"). Respondent was named as the successor trustee.</li> <li>According to the 2005 Trust, the trust estate was to be distributed as follows to her Spouse, if he survived her:             <ol style="list-style-type: none"> <li>A life estate in decedent's residence, and the sum of \$70,000 to be set aside and paid monthly in the sum of \$1,000 for his living expenses.</li> </ol> <p>Upon either her spouse's death or if he failed to survive her, the trust estate balance was to be distributed as follows:</p> <ol style="list-style-type: none"> <li>3/4 equally to Decedent's three children – Respondent, Kenton Tracy, and Petitioner.</li> <li>1/4 equally to the children of decedent's deceased daughter, Teresa Chambless.</li> </ol> </li> </ol> <p style="text-align: center;">Continued on Page 2</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 10/16/14</b> <b>Minute Order from 10/16/14 states: Ms. Horton advises the Court that they have an agreement. The Court directs Ms. Horton to prepare the settlement agreement.</b></p> <p><b>As of 11/10/14, nothing further has been filed.</b></p> <p><b>The following notes remain:</b></p> <ol style="list-style-type: none"> <li>Need Order.</li> <li>Petitioners have requested relief related to elder abuse and undue influence allegations and request an award of punitive damages. Probate Code § 17200 states a trust petition can be filed concerning the internal affairs of a trust or to determine the existence of a trust. This does not include provisions for elder abuse. The allegations in the pleadings are primarily brought under the Welfare and Institutions Code concerning elder abuse, therefore, this case may be more appropriately heard in the civil court rather than the probate court.</li> <li>Need proof of service by mail at least 30 days before the hearing of all persons entitled to notice in this matter. <b>Note:</b> Proof of service has only been filed reflecting personal service on Peter Russo on behalf of his client, Kevin Lee Tracy. It is insufficient to serve a party in "care of" another, therefore also need proof of service by mail at least 30 days before the hearing on Kevin Lee Tracy.</li> </ol> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>Reviewed by:</b> JF</td> </tr> <tr> <td><b>Reviewed on:</b> 11/10/14</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 4A – Zsiba</b></td> </tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 11/10/14	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 4A – Zsiba</b>
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5. Also on 04/05/05, decedent signed a Grant Deed to Trust ("2005 Deed") transferring her residence located at 3260 E. Kerchoff in Fresno to herself as trustee under the 2005 Trust. Decedent did not execute or record any grant deed thereafter, so the decedent's real property remained in the 2005 Trust until decedent's death.
6. Petitioner alleges that decedent made a subsequent amendment to the 2005 Trust placing Petitioner as successor trustee.
7. On 08/24/06, decedent executed THE RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT ("2006 Restatement"). The 2006 Restatement revoked the prior amendment(s) made to the 2005 Trust and placed Respondent back as successor trustee. Petitioner alleges that the 2006 Restatement was drafted by Respondent after he learned that decedent had made an amendment to her 2005 Trust placing Petitioner as successor trustee.
8. Petitioner states that decedent owned a Merrill Lynch (also known as Merrill Edge) account ending in 5148 and held cash and mutual funds. This account was titled and held in the name of the 2006 Restatement. Petitioner states that the title of this account was never changed and her assets in the Merrill Lynch account remained in the name of the 2006 Restatement until her death.
9. On 01/14/09, decedent executed an AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2009 Amendment"). The 2009 Amendment revoked Article IV of the 2006 Restatement and placed Petitioner as successor trustee with Respondent as the second alternate successor trustee. Decedent did not change the prior distribution of the trust estate.
10. Petitioner alleges that decedent also executed a LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA (the "2009 Will"). The 2009 Will states specific bequests of personal items and furniture to all three of her children and then sets forth distribution of all of her furniture, furnishings, household equipment and any vehicle(s) owned to be distributed  $\frac{3}{4}$  equally to her three living children and  $\frac{1}{4}$  equally to the children of her deceased daughter. This follows the same distribution set forth in the 2005 Trust and 2006 Restatement.
11. The 2009 Will not only states that decedent had a deceased daughter, but it also specifically names her daughter's heirs at law. The 2009 Will also nominates Petitioner as the first executor and Respondent as the alternate executor.
12. Petitioner states that he took care of and handled decedent's day to day needs from 1997 to 09/09/13. Petitioner alleges that Respondent and his other brother, Kenton Tracy, went years without contact with decedent, and on or about the third week of August 2013, Respondent showed up at decedent's residence. Petitioner states that decedent informed Respondent that she intended to change the 2006 Restatement to leave her home to Petitioner so that the house remained in the family and Petitioner would take care of her cats. Petitioner alleges that this amendment was prepared and signed, but decedent was not able to have it notarized.
13. Petitioner states that decedent wanted to die at home, in her bed with her beloved cats nearby.
14. Petitioner states that on or about 09/09/13 and thereafter, Respondent kept Petitioner away from decedent, which was against decedent's wishes.
15. Petitioner alleges that during the week of 09/09/13, Respondent removed the decedent's check book and debit card from her possession and never returned them.
16. Petitioner alleges that on 09/16/13, Respondent took possession of the decedent's vehicle.
17. Petitioner alleges that from 09/09/13 to present, he has been denied access to decedent's house and cats, under threats of physical violence. Petitioner's vehicle is in the garage at decedent's residence and Respondent will not let Petitioner have access to it.
18. Petitioner alleges that around 09/20/13, Respondent attempted to file a Power of Attorney with Merrill Lynch granting himself control of decedent's Merrill Lynch account. On or about 09/25/13, the Power of Attorney was returned by Merrill Lynch as unacceptable.

Continued on Page 3

19. Petitioner alleges that decedent's health declined significantly after Respondent prevented Petitioner from seeing and caring for decedent beginning on or about 09/09/13.
20. Petitioner alleges that on 09/26/13, due to Respondent's inadequate care of her health needs, decedent became very ill and her left foot became gangrenous which required amputation.
21. Petitioner alleges that on or about the night of 10/01/13, Respondent coordinated the drafting of a new Living Trust and Will with APS Document Service and hired them to come to decedent's hospital room at Kaiser. Decedent was scheduled to have her left foot amputated the next day. Petitioner alleges that decedent did not hire APS Document Service nor were they hired at her request. Petitioner alleges that while decedent was heavily medicated, she executed THE GLORIA ELIZABETH ZSIBA LIVING TRUST (the "2013 Trust").
22. Petitioner alleges that under the terms of the 2013 Trust, Respondent is the only named successor trustee. The 2013 Trust also sets forth a completely different distribution plan than any of her previous estate planning documents. Under the 2013 Trust the distribution of the trust estate will solely go to five of Decedent's grandchildren. The 2013 Trust specifically left nothing to Decedent's three living sons, never mentioned her deceased daughter and forgot two of decedent's grandchildren.
23. Petitioner alleges that along with the 2013 Trust, while decedent was heavily medicated and very ill, she executed THE LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA (the "2013 Will").
24. Petitioner alleges that the 2013 Will only mentions decedent's three living sons. It does not state that she had a predeceased daughter, nor does it mention the predeceased daughter's heirs at law. The 2013 Will gives all of the Decedent's real and personal property to the 2013 Trust and nominates only Respondent as the Executor.
25. Petitioner alleges that at the time decedent signed the 2013 Trust and the 2013 Will, Kaiser Permanente Hospital believed she was incompetent for the purposes of making medical decisions. Respondent was using a medical Power of Attorney or an Advanced Health Care Directive to make medical decisions for decedent.
26. Petitioner alleges that on 10/03/13 during a bone biopsy, a blood clot caused decedent to have a massive stroke. Petitioner alleges that Kaiser wanted to coordinate in home care so that decedent could live the rest of her days comfortably in her own home as she wanted.
27. Petitioner alleges that Respondent instead transferred decedent to Hinds Hospice and rented out all of decedent's rooms in her home.
28. Petitioner states that decedent did not recover from the stroke, remained unable to speak or communicate for two days and was then unconscious until her death 12 days later. Petitioner alleges that decedent was alienated from her family and left to die alone, in a strange place. Decedent was 79 years old at the time of her death.
29. Petitioner as the named successor trustee under the 2009 Amendment to the 2006 Restatement recorded an Affidavit of Successor Trustee-Death of Trustee and Trustee's Certification on 11/05/13.
30. Petitioner states that after decedent's death, he sent a Trustee Certification form to Merrill Lynch along with copies of the 2006 Restatement and 2009 Amendment so that Petitioner could collect the funds from decedent's Merrill Lynch account to administer them under the 2006 Restatement.
31. Petitioner alleges that Respondent separately filled out the forms and sent copies of trust documents to Merrill Lynch. Petitioner alleges that Merrill Lynch was fully aware that both Petitioner and Respondent were claiming to be decedent's successors in interest to the funds.
32. Petitioner alleges that on 11/14/13 or thereafter, Merrill Lynch transferred approximately over \$40,000.00 from the decedent's account ending in 5148 to an account a Bank of America in Respondent's name. Petitioner alleges that he and his counsel have tried several times to get information from Merrill Lynch regarding the distribution, specifically what forms were submitted by Respondent to attain the funds and why Merrill Lynch distributed the funds to Respondent instead of depositing the funds with the Court.

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33. Petitioner alleges that the transfer of the funds from decedent's Merrill Lynch account to Respondent was not a valid transfer. The account was held in the name of decedent's 2006 Restatement and the funds should have been transferred to Petitioner as the named successor trustee under the 2009 Amendment. Petitioner requests that the Court find the transfer of funds from decedent's Merrill Lynch account was not valid.
34. Petitioner alleges that Respondent is currently in possession of over \$40,000.00 in funds belonging to decedent's 2006 Restatement of Trust. Petitioner requests that these funds be transferred to Petitioner as successor trustee of the 2006 Restatement.
35. Petitioner alleges that decedent also owned a 2003 Saturn L3, a Bank of America checking account with approximately \$7,000.00 and another bank account.
36. Petitioner alleges that Respondent has possession of and is using decedent's Saturn L3 and has taken all of the funds from her Bank of America checking account. Petitioner requests that all of decedent's personal property be transferred to Petitioner as named Executor of the 2009 Will.
37. Petitioner alleges that on or about 12/10/13, Respondent recorded an Affidavit of Death of Trustee (the "December Affidavit"). Petitioner alleges that the December Affidavit states that Respondent is the successor trustee of the 2005 Trust and "designated and empowered pursuant to the terms of the trust to serve as Trustee thereof." Petitioner alleges that there are no amendments or documents known to Petitioner placing Respondent as the successor trustee of the 2005 Trust or the successor trustee of the 2006 Restatement.
38. Petitioner alleges that Respondent fraudulently recorded the December Affidavit when he was not in fact the successor trustee of the 2005 Trust and had knowledge that Petitioner was the named successor under the 2009 Amendment.
39. Petitioner alleges that the 2013 Trust and 2013 Will were executed at the direct result of undue influence exerted by Respondent over decedent, and that decedent lacked capacity to execute testamentary instruments when the 2013 Trust and Will were executed. Petitioner alleges that decedent was mentally and physically impaired due to being medicated for her severe illness as well as going through withdrawals from Ativan. Petitioner alleges that Kaiser Permanente believed decedent lacked capacity to make medical decisions.
40. Petitioner alleges that the 2013 Trust is contrary to decedent's previous expressed intent and estate plan that decedent had in place for several years and that her mental and physical condition were so deteriorated that Respondent was able to subvert his will over her to execute the 2013 Trust and Will causing her to dispose of her property differently than she would otherwise have done.
41. Petitioner has been damaged by the actions of Respondent, Respondent knew or should have known his conduct was likely to be harmful to Petitioner.
42. At all relevant times, the decedent was a dependent adult as defined by WIC § 15610.30 in that she was over the age of 65 when the alleged actions took place. Respondent had the care and custody of decedent three weeks prior to her being hospitalized.
43. Petitioner alleges that during this period of time, Respondent was influencing decedent in her affairs, secreting her from family, and causing her to make drastic changes to her estate plan that had been in place for some time. Respondent's conduct constituted financial abuse under WIC § 15610.30. Respondent is therefore liable for reasonable attorney fees and costs under WIC § 15657.5.
44. Respondent is guilty of recklessness and oppression and fraud in the commission of the abuse described in this petition.
45. Petitioner alleges that Respondent placed himself in a position of successor trustee of the 2013 Trust and took actions that altered the intended disposition of decedent's estate as set forth in her 2006 Restatement, all to the detriment of Petitioner and other family members. As a result of his actions, Respondent should be removed as trustee and should be held to account for all actions taken by him as successor trustee of the 2013 Trust and all assets he has wrongfully taken from the 2006 Restatement. Petitioner requests that the Court order Respondent to file an accounting with the Court detailing his acts as trustee of the 2013 Trust, and direct that said accounting be filed no later than thirty (30) days after the court makes its order.

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46. Petitioner states that under Probate Code § 859, Respondent is liable for an amount equal to twice the value of the property recovered from the invalid transfer of funds from decedent's Merrill Lynch account and the decedent's real and personal property and under Civil Code § 3294, Respondent is liable for punitive damages.

**Petitioner prays for an Order:**

1. The Court revoke and rescind the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13;
2. Confirming that the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06 and the AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 01/14/09 are valid;
3. Confirming that decedent's real property residence located at 3260 E. Kerckhoff in Fresno belongs to and is an asset of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06;
4. Confirming the decedent's remaining personal property not titled in the name of her trust should be distributed in accordance with the LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA executed on 01/14/09;
5. Confirming that the funds previously held in decedent's Merrill Lynch account ending in 5148 belong to and is an asset of the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06;
6. Determining that the transfer of all funds from Merrill Lynch account ending in 5148 to Respondent, Kevin Lee Tracy, be deemed invalid;
7. Imposing a constructive trust on all real and personal property held by Respondent obtained by the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13 and the LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA dated 10/01/13;
8. Declaring that Respondent, Kevin Lee Tracy, committed fiduciary abuse and financial elder abuse as those terms are defined in WIC §§ 15610.30 and 15657.5;
9. For costs of suit including reasonable attorney's fees, as provided by law;
10. For an amount equal to twice the value of the property recovered, pursuant to Probate Code § 859;
11. For punitive damages as provided by law; and
12. For other relief the Court deems just and proper.

**Objections by Respondent, Kevin Lee Tracy, to Petitioner's Petition to Invalidate Trust Dated 10/01/13 and Any Amendments on the Grounds of Undue Influence and Incapacity, etc.** filed 04/01/14 states:

Respondent objects to all allegations as alleged on the grounds that the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated April 5, 2005 as Restated on August 24, 2006 and Amended on January 14, 2009 is a revocable living trust which was revoked when the new and correct 2013 Trust was created. Respondent admits and denies various allegations in the Petition and further states/alleges:

1. The 2006 Trust and any will alleged to have been executed on or about 2006 as well as the Restatement in 2009 were revoked by the decedent with the execution of the 2013 Trust and 2013 Will dated 10/01/13.
2. Decedent made an amendment to the 2005 Trust placing the Petitioner as successor trustee while she was highly medicated and incapacitated. Decedent was manipulated by Petitioner and Decedent in fact did not remember what changes had been made due to her condition of sedation. Petitioner financially abused Decedent for years preceding her death.
3. On 08/26/06, Decedent executed "THE RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT" ("2006 Restatement"). The 2006 Restatement revoked the prior amendment(s) made to the 2005 Trust and placed Respondent back as Successor Trustee. The 2006 Restatement was drafted after mishandling of the Decedent's funds was discovered, perpetrated by Petitioner. The Decedent was so incapacitated during the time the amendments to the 2005 Trust were drafted; she did not even know what the Amendments entailed. No one received copies of the amendments, including the decedent. Wanting her true and correct wishes to be carried out, she revoked all amendments by drafting the 2006 Restatement.
4. The 2009 Amendment revoked Article IV of the 2006 Restatement and placed Petitioner as Successor Trustee with Respondent as the second alternate successor trustee. Decedent did not change the prior distribution of the trust estate. Decedent was still under heavy sedation due to her misuse of the drug Ativan. Petitioner once again took advantage of her debilitated state and manipulated the Decedent into making the 2009 Amendment.



5. At the same time Decedent was manipulated into making the 2009 Amendment, she also executed a "LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA" ("2009 Will"). The 2009 Will states specific bequests of personal items and furniture to all three of her children and then set forth distribution of all her furniture, furnishings, household equipment, any vehicle(s) owned by decedent to be distributed 3/4ths equally to decedent's 3 children, Respondent, Petitioner, and Kenton Tracy and 1/4<sup>th</sup> equally to the children of Decedent's predeceased daughter. This was done while the Decedent was heavily sedated and highly addicted to Ativan. Decedent was not lucid or with a clear mind. Petitioner coerced Decedent into these changes for self-serving purposes.
6. Respondent alleges that Petitioner was known to the family as a drug abuser and would only come around the Decedent's home at night. Kenton Tracy lived out of town and would visit when he could and called often. Respondent visited often as work permitted and called Decedent daily. Petitioner shopped occasionally for Decedent which required use of her vehicle, credit cards, and checks. Petitioner would disappear with Decedent's car and funds for weeks at a time and refuse to return them. Petitioner only helped Decedent when it benefitted him with the use of the car and/or gain funds from her accounts.
7. Petitioner refused to visit Decedent after he was unable to maintain a hold of her finances and the mishandling of her funds by him was brought to light. He was upset he could no longer manipulate her so he refused to see her.
8. Respondent, upon request of the Decedent did remove the vehicle from Petitioner's possession and return the vehicle to Decedent. Petitioner had again mishandled funds and taken control of the Decedent's vehicle. Decedent had requested Petitioner return the vehicle and he had refused. Only after Petitioner refused to return the vehicle did Decedent give Respondent the spare key to take possession of the vehicle and return it to its owner, the Decedent.
9. Petitioner did and would have continued to mishandle and financially abuse his elderly mother, the Decedent. Decedent had been take off the Ativan she was overmedicating with and was again alert and lucid. At that time she was done getting mistreated by the Petitioner and no longer wished him to have access to her funds.
10. Petitioner refused to see his mother and was angry that he had been discovered to be financially abusing decedent and no longer had access to her funds.
11. With surgery pending, Decedent wanted her affairs to be in order in the event surgery didn't go well. She wanted her true and final wishes to be carried out. Decedent was completely alert and aware of what she was doing when she executed THE GLORIA ELIZABETH ZSIBA LIVING TRUST ("2013 Trust").
12. Under the terms of the 2013 Trust, Respondent is the only names successor trustee. This is because the Decedent had lost all trust and confidence in the Petitioner after learning he had been financially abusing her for years. The 2013 Trust also set forth a completely different distribution plan than any of her previous estate planning documents. The events in the previous years leading up to the drafting of the 2013 Trust created and enforced her desire to leave the entirety of her estate to her five grandchildren she had contact and relationships with. She did not "forget" two of her grandchildren. It was her specific intent to leave them out as well as her children, whom she felt had already received enough from her, as specifically stated in the 2013 Trust.
13. Decedent was alert, lucid, and with a clear mind when she executed THE LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA ("2013 Will").
14. Decedent was completely competent for the purpose of making medical decisions when Kaiser Permanente Hospital asked her to name a medical Power of Attorney in the event her amputation did not go well. Had she been incompetent, Kaiser would not have allowed her to choose a medical Power of Attorney herself and would have instead appointed one for her. The Decedent herself appointed the Respondent as her medical Power of Attorney in direct contradiction of the allegation that she was incompetent to make her own decisions.
15. After the foot amputation went well, Respondent had high hopes she would be able to return home, but unfortunately, a few days later a blood clot reached her brain and she became brain dead. Respondent moved her to Hinds Hospice where she spent her last days in the company of all of her loved ones, except for Petitioner, who refused to visit her. Respondent felt Hinds Hospice was the most appropriately equipped facility to care for Decedent during her final days.

Continued on Page 7

16. Decedent was surrounded by her loved ones while at Hinds Hospice with the exception of Petitioner who refused to visit her in her final days. Petitioner abandoned his mother the moment his self-serving manipulations no longer were effective. Petitioner has always and continues to only think of himself and financial gain through fraud, manipulation and lies.
17. Petitioner, through invalid trust documents, unlawfully recorded through Affidavit the deed to Decedent's house with an outdated trust, claiming to be trustee for his sole financial gain. Petitioner knew of the 2013 Trust and had a copy. He submitted outdated, invalid documents knowing they were not valid with the intention of defrauding Decedent's grandchildren.
18. Petitioner also tried to collect funds from Decedent's Merrill Lynch account using the outdated/invalid documents, claiming to be trustee for his sole financial gain. He knew the documents were not valid. Merrill Lynch eventually recognized the 2013 Trust as the true and correct trust document.
19. Respondent sent copies of the 2013 Trust, the true, correct and complete trust as desired by Decedent. Merrill Lynch was fully aware both Petitioner and Respondent were claiming to be Decedent's successor in interest to the funds. Merrill Lynch, after a brief investigation, held that the 2013 Trust was the valid trust and monies were released to Respondent who in turn executed the wishes of the Decedent by disbursing the funds to the heirs, her grandchildren she had contact with, as outlined in the 2013 Trust.
20. Decedent's 2013 Trust was the final, complete and correct trust, revoking all others. Respondent is requesting the court find the transfer of funds from the Decedent's Merrill Lynch account be held as valid.
21. All funds released to Respondent as trustee of the 2013 Trust were disbursed to the Decedent's grandchildren she had contact with per her wishes as outlined in the 2013 Trust.
22. On or about 12/09/13, Respondent recorded an Affidavit of Death of Trustee.
23. The 2013 Trust and 2013 Will were executed as a direct result of the previous undue influence exerted by Petitioner on numerous occasions while Decedent was under the influence and heavily sedated with the drug Ativan. The 2013 Trust and 2013 Will were drafted and executed by the Decedent because she finally had a clear mind without the use of the Ativan and she no longer wanted to be financially abused by Petitioner, as evidenced by her 2013 Trust leaving nothing to her children and everything to her grandchildren.
24. Decedent was more lucid than she had been in years, finally being free from Ativan. She was clear headed and her mental capacities and abilities were completely intact. In fact, she was less likely to be influenced by others than she had been in years, and having been financially abused by the Petitioner for many years, she wanted her wishes to be restated and all other previous trusts to be revoked by the drafting and execution of the 2013 Trust and 2013 Will, which she signed in front of a witness and a notary, surrounded by people who love her.
25. Decedent did place her trust in Respondent after she lost all trust in Petitioner following his mishandling of her funds and theft of tens of thousands of dollars of Decedent's money. Decedent was never secluded from Petitioner through anyone's decision but his own, when he chose to abuse his mother and take advantage of her confused state. Petitioner is in fact the one who refused to be with his mother throughout her last days and essentially abandoned her after he lost control of her finances.
26. Respondent states that he acted in good faith following the 2013 Will and 2013 Trust and requests that if the Court finds for the Petitioner, Respondent be excused from any punitive damages under Probate Code § 9601(b).

**Respondent prays as follows:**

1. The Court upholds and validates the GLORIA ELIZABETH ZSIBA LIBING TRUST dated 10/01/13;
2. Revoke and rescind the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06 and the AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed January 14, 2009 and hold they were revoked with the execution of the 2013 Will and 2013 Trust;
3. Deny that Decedent's real property located at 3620 E. Kerckhoff, Fresno belongs to and is an asset of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 and Restated on 08/24/06;
4. Deny that the Decedent's remaining personal property not titled in the name of her trust be distributed in accordance with the LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA executed on 01/14/09;

Continued on Page 8

5. Deny that the funds previously held in Decedent's Merrill Lynch account ending in 5148 belong to and is an asset of the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 08/24/06;
6. Order the transfer of all funds from Merrill Lynch account ending in 5148 to Respondent, Kevin Lee Tracy, be deemed valid;
7. Prevent imposition of a constructive trust on all real and personal property held by Respondent, Kevin Lee Tracy, obtained by use of the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13 and the LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA dated 10/01/13;
8. Order Petitioner disclose and release any assets he may have gained through the safe deposit box or any other means with the outdated documents;
9. For a declaration holding Respondent, Kevin Lee Tracy, innocent of fiduciary abuse and financial elder abuse as those terms are defined in Welfare and Institutions Code §§ 15610.30 and 15657.5;
10. For a declaration holding Petitioner, Anton Kremer, guilty of fiduciary abuse and financial elder abuse as those terms are defined in WIC § 15610.30;
11. For a declaration holding Petitioner, Anton Kremer, guilty of fraud as those terms are defined in Penal Code § 484;
12. For costs of suit including reasonable attorney fees and extraordinary expenses as provided by law, awarded to Respondent, Kevin Lee Tracy;
13. Deny any request for an amount equal to twice the value of the property recovered, pursuant to Probate Code § 859;
14. Punitive damages awarded to Respondent, as provided by law.

**Declaration of Kevin Lee Tracy in Support of His Objections** filed 04/01/14 states:

1. Gloria Zsiba ("Decedent") has three surviving children, Anton Kremer, Kenton Tracy and Kevin Tracy. She has a total of 7 grandchildren, five of whom she had contact with – Christian Chambless, Ronald Miears, Anton Kremer, Mathew Tracy, and Cosmo Tracy. Kyle and Zachery, last names unknown, she has never been in contact with. Her husband, Alexander Zsiba, predeceased her.
2. In 2006, Alexander and Gloria, named Respondent (Kevin Tracy), as trustee of their estate.
3. In or about 2008, Alexander passed away. Gloria became depressed and her health declined. She began taking anti-depressants and anti-anxiety medications, including Ativan, a powerful and highly addictive drug. She began displaying side effects including sedation. While on these medications she could barely get out of bed.
4. In or about 2009, while Gloria was heavily medicated and incapacitated, her son Anton Kremer had her amend her 2006 trust.
5. No one was given copies of this amended trust and Gloria was so sedated she could not recall what changes were made.
6. Gloria relied heavily on others for her care. She did not leave the house and was heavily medicated. Her sons, Anton, Kenton & Respondent all assisted.
7. Anton (Petitioner) is known to the family to abuse drugs and only came around at night. Occasionally he would assist Decedent by doing her shopping which required him to use her vehicle, checks and credit cards. In time, Anton took over her accounts and took full possession of her vehicle.
8. In or about 2011, I received a call from Decedent's stock broker at Wells Fargo who was concerned about the amount that was being withdrawn, knowing Decedent was incapacitated and confined to her home. He stated that he called Adult Protective Services and made a report.
9. Upon investigation, Respondent learned that Anton had been taking the mail to hide the bank statements. Decedent requested duplicates and after sitting down with her stock broker it was discovered that Anton had been pilfering through her accounts and stealing tens of thousands of dollars.
10. On the advice of her broker, Decedent changed her account numbers, and got new checks and credit cards with Respondent's assistance. They also closed numerous credit cards Anton had opened in Decedent's name for his sole use and benefit. Respondent urged Decedent to pursue criminal charges for identity theft, fraud, and embezzlement, but Decedent could not bring herself to report her son.

Continued on Page 9

11. It was also discovered that Anton had both sets of keys to Decedent's safety deposit box and he refused to return them to Decedent upon request.
12. Decedent remained heavily medicated at this time and Anton eventually was able to access her accounts once again. At this time, Anton even persuaded Decedent to change her stock holding again, allowing him to secure hold over her finances.
13. In 2013, after Decedent became so ill she called an ambulance, the doctors determined that she was extremely over-medicating and was in fact addicted to Ativan. The doctors determined that she needed to be taken off the medication completely.
14. After being taken off the medications, her anxiety and panic attacks returned in full force. Respondent called on the family for help, making a daily rotation so that she was never alone. Eventually a full time, live in caretaker was hired. Anton stopped coming around and was nowhere to be found. He had abandoned the Decedent, taking her car and two checks for \$1,000 each with him.
15. As Decedent's medication wore off and the haze of the Ativan faded, she had many discussions with Respondent and her other son Kenton along with their wives and children. Anton's mishandling of her funds was discussed and Decedent wondered what changes had been made to her trust while she was plagued with the mental fog caused by the Ativan.
16. Decedent decided to make a new living trust leaving everything to her five grandchildren she had contact with and her only great-grandchild. To carry out he wishes she wanted Respondent to be appointed as trustee. Decedent also requested that Respondent retrieve her vehicle from Anton.
17. Eventually Decedent developed clots in her legs. Facing partial amputation of her foot, she wanted all of her affairs in order. With a clear mind and surrounded by her family, she signed a new living trust in the presence of a notary and a witness. At the same time, the hospital required her to make someone her medical power of attorney in case she could not make her own decisions. Knowing Respondent would always keep her best interests in mind, Decedent appointed him as power of attorney.
18. The foot surgery went well, but unfortunately, a few days later a blood clot reached her brain and she became brain dead, went to hospice and passed away thereafter. Anton refused to visit her during this time.
19. On the day she passed, Anton was provided with a copy of the 2013 Trust.
20. Respondent began to carry out Decedent's wishes according to the 2013 Trust. During this process, it was discovered that Anton had cleared out Decedent's safety deposit box.
21. Now Anton is trying to steal Decedent's grandchildren's inheritance, much like he stole continuously from the Decedent while she was alive.

	On 01/14/14, <b>ANTON KREMER</b> , trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, filed a <b>Petition to Invalidate Trust Dated October 1, 2013 and any amendments on the Grounds of Undue Influence and Incapacity, etc.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>As of 11/10/14, nothing further has been filed.</b>  1. Need updated status regarding settlement agreement.
	The matter was continued from 03/03/14 to 06/02/14 to 10/14/14 to 10/16/14.	
Cont. from	<b>Minute Order from hearing on 10/16/14</b> set this matter for a status hearing re: Acceptance of Terms and Conditions of the Proposed Agreement and states: Ms. Horton advises the Court that they have an agreement. The Court directs Ms. Horton to prepare the settlement agreement.	
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		File 4B – Zsiba

<div style="border: 1px solid black; padding: 2px;">Eugene M. Ford DOD: 4-25-93</div> <div style="border: 1px solid black; padding: 2px;">Evelyn I. Ford DOD: 12-23-13</div> <div style="border: 1px solid black; padding: 2px;">Cont. from 110614</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10px;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10px;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td style="text-align: center;">w</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td>✓</td><td>Response</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td></td><td>Order</td><td style="text-align: center;">x</td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp		✓	Response			Video Receipt			CI Report			9202			Order	x		Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p><b>SUSAN FORD FRANTZICH</b>, Beneficiary, is Petitioner.</p> <p><b>Petitioner states</b> she is the daughter of decedents Eugene M. Ford and Evelyn Irene Ford and is a beneficiary of the <b>Eugene M. and Evelyn I. Ford Family Trust dated 1-7-91. (Exhibit A)</b></p> <p>Petitioner states <b>Casey Scott Rogers</b> has been acting as Successor Trustee since the death of Mrs. Ford on 12-23-13 pursuant to the Ninth Amendment to Declaration of Trust.</p> <p>The Fords had three children: Nancy Lee Ford of Cambria, CA, Susan Jean Frantzich of Clovis, CA, and Patricia Elaine Coffman of Sanger, CA. The original trust named Nancy, Susan, and Patricia as successor co-trustees.</p> <p>Petitioner states the trust property includes, <i>inter alia</i>, real property known as the Quail Oaks Ranch. Among other provisions, the trustee had the power to “apportion and allocate assets of the trust estate” at Section 8.08A. The trust also gave the surviving spouse the power to “amend, revoke, or terminate” the Survivor's Trust at Section 2.03(D).</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b> See additional pages.</p> <p><b>Note:</b> On 10-10-14, Casey S. Rogers, Trustee, filed Petition for Instructions as to: 1) Interpretation of Trust; and 2) Purported Conflict of Interest that is set for hearing on 11-17-14. <u>See Page B.</u></p> <p><b>Note:</b> Pursuant to Minute Order 9-11-14, the Court ordered that the related matter <u>Estate of Evelyn Ford 14CEPR00536</u> “follow along” with this case, although it is not technically on calendar. In that matter, there were competing petitions for appointment as personal representative by these same petitioners. At the hearings on 8-20-14, neither Ms. Frantzich nor her attorney, Mr. Keeler, were present. Ms. Frantzich's petition was denied and Mr. Rogers' petition was granted and he was appointed as Executor.</p> <p><b><u>However, please note that on 11-4-14, Ms. Frantzich filed a Notice of Appeal and Appellant's Notice Designating Record of Appeal regarding the order denying her petition.</u></b></p> <p><b>Note:</b> Petitioner's original Petition to Determine Validity of Trust Amendment was filed 5-29-14; however, Demurrer was filed 6-17-14. At the continued hearing on 9-11-14, the Court adopted its Tentative Ruling, allowing leave to amend certain portions of the petition. See Minute Order and Tentative Ruling for details.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td><b>Reviewed by:</b> skc</td></tr> <tr><td><b>Reviewed on:</b> 11-10-14</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td>File 5A – Ford</td></tr> </table>	<b>Reviewed by:</b> skc	<b>Reviewed on:</b> 11-10-14	<b>Updates:</b>	<b>Recommendation:</b>	File 5A – Ford
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**Page 2****Petitioner states:**

- On 12-1-92, Mr. and Mrs. Ford signed the 1<sup>st</sup> Amendment, which amended the trust to name A. Douglas Flint, in the alternative Michael S. Pistoresi, as successor trustees, among other changes. (Exhibit B)
- On 4-25-93, Mr. Ford died and Mrs. Ford became the sole trustee.
- On 6-21-96, Mrs. Ford signed the 2<sup>nd</sup> Amendment, which amended the trust to appoint the Survivor's Trust to her then-living daughters. (Exhibit C)
- On 1-16-03, Mrs. Ford signed the 3<sup>rd</sup> Amendment, revoking the 1<sup>st</sup> and 2<sup>nd</sup> Amendments and amending the trust to name Nancy, Susan and Patricia as successor co-trustees. (Exhibit D)
- On 6-12-03, Mrs. Ford signed the 4<sup>th</sup> Amendment, revoking the 3<sup>rd</sup> Amendment and appointing the Survivor's Trust to her then-living daughters. The 4<sup>th</sup> Amendment also amended the trust to name Robert G. Carter as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit E)
- On 10-24-03, Mrs. Ford signed the 5<sup>th</sup> Amendment, appointing \$12,500 each to Ronald McKenzie, Joanne Stanion, and Samantha Cole. (Exhibit F)
- On 7-7-09, Mrs. Ford signed the 6<sup>th</sup> Amendment, revoking all previous amendments and appointing Casey Scott Rogers as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit G)
- On 3-29-12, Mrs. Ford signed "a trust amendment" naming Petitioner Susan Frantzich as successor trustee. (Exhibit H)
- On 5-10-12, Mrs. Ford signed the 8<sup>th</sup> Amendment, revoking all prior amendments and appointing James M. Bell as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit I)
- On 3-6-13, Mrs. Ford signed a document stating: "Upon my death, my daughter Susan Ford Frantzich will inherit the Quail Oaks Ranch 'barn compound,' and adjacent 40 acres." (Exhibit J)
- On 3-14-13, Mrs. Ford signed the 9<sup>th</sup> Amendment, purportedly revoking the 1<sup>st</sup> through 8<sup>th</sup> Amendments, and purportedly appointing Casey Scott Rogers as successor trustee, with James M. Bell as next successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit K)

**SEE ADDITIONAL PAGES**

**Page 3**

**Petitioner states** she has filed a Petition for Probate in this matter to ensure the Court has the power to enforce Mrs. Ford's intent as expressed in Exhibit J whether it is determined to have been expressed as a codicil or a trust instrument.

Petitioner states Mrs. Ford had the power to amend the Survivor's Trust, and frequently exercised that power before her death. She also had the power to allocate the assets of the trust, including the Quail Oaks Ranch property. Mrs. Ford handwrote the document to leave the Quail Oaks Ranch property "barn compound" and adjacent 40 acres to Petitioner. She had her caregiver, Hilda Ceballos, witness the document, showing the gravity and seriousness of her intent to make a change to the disposition of her estate plan. She satisfied the requirements of the trust for amendment by delivering a copy to herself as sole trustee. Petitioner requests that this Court order that the 3-6-13 document is a valid trust amendment.

**Petitioner requests that the Court order the following:**

- 1. Declare the document signed on 6-3-13 is a valid trust amendment;**
- 2. For costs herein; and**
- 3. For such other orders as the Court may deem proper.**

**Response filed 10-8-14 by Casey S. Rogers, Trustee, states** the handwritten document does not constitute a valid amendment to the Survivor's Trust. Mr. Rogers believes he is authorized and directed to oppose the petition, as it has been informally raised whether his opposition would constitute a breach of his fiduciary duties (impartiality) to petitioner as a beneficiary.

In light of the conflict issue raised by Petitioner, Mr. Rogers intends to file a separate petition for instructions as to whether he is authorized and empowered to object to and oppose this petition.

**Respondent requests this Court order that:**

- 1. The petition be continued pending the determination of Respondent's anticipated petition for instructions; and**
- 2. Such further order be made as this Court may deem proper.**

**Note: Respondent's Petition for Instructions filed 10-10-14 is set for hearing on 11-17-14.**



**NEEDS/PROBLEMS/COMMENTS:**

**Note:** The verification is signed by Petitioner's attorney on her behalf.

1. **Need verification of correct service list.** At #4 of the petition, Petitioner provides names and addresses of those entitled to notice. However, the Notice of Hearing filed 9-29-14 indicates mailing to some people at different addresses than were listed in the petition. Need clarification regarding notice to:
  - Petitioner Susan Frantzich's address: Tollhouse Road or Sample Road?
  - Brandon Rogers: Woodrow Avenue or Saginaw Way?(Also note: Why was notice sent "C/O" ? Direct notice is required per Cal. Rules of Court 7.51.)
  - Casey Scott Rogers: Woodrow Avenue or Lane Avenue?
2. **Need order.**

<b>Eugene M. Ford</b> <b>DOD: 4-25-93</b>		<b>CASEY S. ROGERS</b> , Trustee, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>																																																		
<b>Evelyn I. Ford</b> <b>DOD: 12-23-13</b>		<b>Petitioner states</b> the settlors had three children: Nancy Lee Ford, Susan Jean Frantzich, and Patricia Elaine Rogers. Upon the death of Eugene M. Ford, after the First Amendments, the Family Trust was divided into three separate subtrusts: the Survivor's Trust, the Marital Trust, and the Credit Trust.		<b>1. Need order.</b>																																																		
		Evelyn I. Ford, as the surviving spouse, retained the right to modify and revoke the Survivor's Trust during her lifetime, and it became irrevocable upon her death. The Marital Trust and Credit Trust are irrevocable.																																																				
		Evelyn I. Ford executed amendments to the Family Trust after the death of Eugene M. Ford as follows:																																																				
		<ul style="list-style-type: none"> <li>• 2<sup>nd</sup> Amendment 6-21-96</li> <li>• 3<sup>rd</sup> Amendment 1-16-03</li> <li>• 4<sup>th</sup> Amendment 6-12-03</li> <li>• 5<sup>th</sup> Amendment 10-24-03</li> <li>• 6<sup>th</sup> Amendment 7-7-09</li> <li>• 7<sup>th</sup> (Handwritten) Amendment 3-29-12</li> <li>• 8<sup>th</sup> Amendment 5-10-12</li> <li>• 9<sup>th</sup> Amendment 3-14-13</li> </ul>																																																				
		On 7-7-09, Evelyn I. Ford executed her Last Will and Testament, revoking all prior wills. She executed the First Codicil on 10-28-09, the Second Codicil on 5-10-12, and, the Third Codicil on 3-14-13.																																																				
		Following the death of Evelyn I. Ford, Ms. Frantzich produced a <b>handwritten document dated 3-6-13</b> , which document was purportedly signed by Evelyn I. Ford.																																																				
		<b><u>SEE ADDITIONAL PAGES</u></b>																																																				
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## Page 2

**Petitioner states** Ms. Frantzich filed an initial petition to seek a determination of the legal effect of the Handwritten Instrument, asserting that it was either a valid trust amendment or in the alternative a valid exercise of the general and limited powers of appointment conferred under the Family Trust on or about 5-29-14. On or about 6-17-14, Petitioner demurred to the initial petition. On 9-11-14, the Court entered an order sustaining the demurrer without leave to amend in regard to the portion of the initial petition asserting the Handwritten Instrument constituted an exercise of a general or limited power of appointment. **The Court sustained the demurrer with leave to amend in regard to the portion of the initial petition asserting that the Handwritten Instrument constituted an amendment to the Family Trust.**

On or about 9-22-14, Ms. Frantzich filed an amended petition (the Frantzich Petition). Prior the filing, Ms. Frantzich informally raised, through her counsel, whether it is appropriate for Petitioner to oppose her petition; specifically, whether opposition to the Handwritten Instrument would constitute a breach of fiduciary duties (namely impartiality) owed by Petitioner, as Trustee, to Ms. Frantzich, as beneficiary. In light of the conflict issue raised by Ms. Frantzich, Petitioner filed a response to the amended petition that this petition for instructions would be filed.

On or about 8-20-14, the Will and First, Second, and Third Codicils of Evelyn I. Ford were admitted to Probate and Casey S. Rogers was appointed as Executor. Letters Testamentary issued 8-25-14 in 14CEPR00536. Petitioner is informed and believes that there are no assets subject to administration in the estate. Ms. Frantzich has indicated, through her counsel, that she intends to assert in the Ford Estate, as an alternative to the amended petition, that the Handwritten Instrument is a valid codicil to the Will.

Petitioner requests instructions pursuant to §127200(a) and (b)(1) and (6) regarding construction and interpretation of the Survivor's Trust, Marital Trust, and Credit Trust, and distribution of the trust estate to the beneficiaries of each such trust.

Under Section 7.01.C. of Article Seven of the Family Trust, Evelyn I. Ford, as surviving spouse, was conferred a limited testamentary power of appointment to appoint the balance of the Credit Trust. Petitioner cites authority and states a testamentary power of appointment is a power that is exercisable only by will. In order to exercise a testamentary power of appointment, the power must comply with the express requirements in the instrument creating the testamentary power of appointment as to the "manner, time, and conditions of the exercise of the power with the express requirements in the instrument creating the testamentary power of appointment as to the "manner, time, and conditions of the exercise of a power of appointment. This would include, without limitation, an express requirement that the person exercising the power make specific reference to the power or the instrument creating the power.

Petitioner states Evelyn I. Ford exercised the general and limited testamentary powers of appointment by complying with the express requirement of each power; specifically referring to such in the will.

**SEE ADDITIONAL PAGES**

## Page 3

The Frantzich Petition asserts that the Handwritten Instrument constitutes an amendment to the Survivor's Trust. The exercise of a testamentary power of appointment takes effect upon the death of the testator. Authority cited.

Petitioner states the Handwritten Instrument, to the extent it may be a valid amendment, would only operate and control to the extent that Evelyn I. Ford did not otherwise exercise her general power of appointment. Petitioner therefore respectfully requests that the Court determine and interpret the provisions of the Survivor's Trust; specifically that the distribution of the Survivor's Trust is governed and controlled by Evelyn I. Ford's exercise of her general testamentary power and as exercised under Articles Second, Third and Fourth of the Will, as amended by the First Codicil, and as republished by the First Codicil, Second Codicil and Third Codicil.

Petitioner further respectfully requests that the Court determine and interpret the provisions of the Marital Trust and Credit Trust; specifically that the distribution of the Marital Trust and Credit Trust are governed and controlled by Evelyn I. Ford's exercise of her general testamentary power and as exercised under Articles Second, Third and Fourth of the Will, as amended by the First Codicil, and as republished by the First Codicil, Second Codicil and Third Codicil.

**Purported Conflict of Interest:** Petitioner requests the Court provide instructions regarding whether it is appropriate consistent with Petitioner's fiduciary duties as Trustee, for Petitioner to oppose the amended petition filed by Ms. Frantzich. As indicated above, Ms. Frantzich asserts that the Handwritten Instrument is a valid amendment to the Survivor's Trust. Ms. Frantzich has informally raised, through counsel, the issue of whether it is appropriate for Petitioner to oppose her petition.

Petitioner believes the Frantzich Petition constitutes an attack on the terms of the Survivor's Trust and its provisions; namely, Ms. Frantzich seeks to alter the ultimate distribution provisions. Therefore, Petitioner requests that this Court direct and instruct Petitioner that as trustee he is authorized and empowered consistent with fiduciary duties to oppose the Frantzich Petition.

**Petitioner respectfully requests this Court:**

- 1. Determine and interpret that Evelyn I. Ford exercised her general testamentary power of appointment conferred under Section 7.01.A. of Article Seven of the Family Trust over the Survivor's Trust;**
- 2. Determine and interpret that the distribution of the Survivor's Trust is governed and controlled by the exercise of the general power of appointment under Articles Second, Third, and Fourth of the Will, as amended by the First Codicil, and as republished by the First Codicil, Second Codicil, and Third Codicil;**
- 3. Determine and interpret that Evelyn I. Ford exercised her limited testamentary power of appointment conferred under Sections 7.01.B. and 7.01.C. of Article Seven of the Family Trust over the Marital Trust and Credit Trust;**
- 4. Determine and interpret that the distribution of the Marital Trust and the Credit Trust are governed and controlled by the exerciser of the limited power of appointment under Article Second and Fourth of the Will, as amended by the First Codicil, and as republished by the First Codicil, Second Codicil, and Third Codicil;**
- 5. Direct and instruct Petitioner, that Petitioner, as Trustee, is authorized and empowered consistent with fiduciary duties as trustee to opposed the Frantzich Petitioner; and**
- 6. Make such further orders as this Court may deem proper.**

<b>DOD: 8-18-14</b>		<b>COLLIN T. BRYANT</b> , Son and Named Executor without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Full IAEA – ok	<b>Note:</b> If granted, the Court will set status hearings as follows:
		Will dated 4-19-07	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	S/P	<ul style="list-style-type: none"> <li>Monday, March 16, 2015 for filing the Inventory and Appraisal</li> <li>Monday, March 14, 2016 for filing the first account or petition for final distribution</li> </ul>
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		<p>If the proper items are on file prior to the above status hearing dates, the status hearings may be taken off calendar.</p>
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-10-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 – Bryant</b></p>
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Residence: Fresno  
Publication: Fresno Business Journal

Estimated value of estate:  
Personal property: \$ 8,900.00  
Real property: \$115,567.00  
Total: \$124,467.00

Probate Referee: Rick Smith

**Petitioner states** Decedent and his former spouse, Allaire Bryant, divorced in 2007, and pursuant to the judgment of dissolution, each was awarded a one-half interest in the residence. As the years progressed, Allaire developed dementia, ultimately requiring conservatorship of her person. Attached are Petitioner's Letters of Conservatorship and Power of Attorney under which he is her agent. Decedent and Petitioner felt a plan was needed whereby funds would be available for Allaire's future care. After investigating their options, they decided to obtain a reverse mortgage on the residence that would provide funds, half of which would be available to Allaire for her care. Because of Allaire's condition, Decedent and Petitioner determined that the best approach would be for Petitioner, using the Power of Attorney, to deed Allaire's interest to decedent, who would obtain the reverse mortgage and pay one half of the cash proceeds from the reverse mortgage to Petitioner to be used for Allaire's benefit. See attached deed.

However, the decedent died prior to completion of the process of obtaining a reverse mortgage.

Petitioner states the amounts shown in the estimated value of the estate are for the decedent's one half interest in the property, even though at the time of his death the residence was in his name alone.

**Petition for Probate of Will and for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 09/13/14</b>	<b>JAMES M. BAKER</b> , spouse, is	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Petitioner and requests	
	appointment as Administrator	
	without bond.	
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Full IAEA – OK	
<input checked="" type="checkbox"/> <b>Verified</b>	All heirs waive bond	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Decedent died intestate	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Residence: Fresno	
	Publication: The Business Journal	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	<b>Estimated Value of the Estate:</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Real property - \$188,000.00	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	Probate Referee: <b>STEVEN DIEBERT</b>	
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 11/10/14
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 7 – Baker</b>

**Petition for Probate of Will and for Letters Testamentary; Authorization to  
Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 07/28/14</b>		<b>DAVID JESSEN</b> , brother/named Executor without bond, is Petitioner.  Full IAEA – ok  Will dated: 02/17/12  Residence: Fresno Publication: The Business Journal  <u><b>Estimated Value of the Estate:</b></u> None  Probate Referee: <b>RICK SMITH</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Confidential Supplement to Duties and Liabilities.	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			s/p
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			w/
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			x
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
			<b>Reviewed by:</b> JF	
			<b>Reviewed on:</b> 11/10/14	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 8 – Galbreath</b>	

<b>DOD: 11-15-02</b>	<b>CHRISTOPHER O'NEAL</b> , Son, was originally appointed as Administrator with Full IAEA with bond of \$50,000.00.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont from 041814, 052314</b>	Bond was filed on 12-8-03 and Letters issued on 1-27-04. Mr. O'Neal was represented by Attorney Gary Huss.	
<b>Aff.Sub.Wit.</b>	I&A filed 3-29-04 indicated real property valued at \$145,000.00 as of date of death 11-15-02.	<b>Note:</b> The decedent had three children who would be the heirs to this estate, including the former Administrator Christopher O'Neal, Carl O'Neal, and Robin O'Neal, the disabled daughter referred to in the 2007 status report.
<b>Verified</b>		
<b>Inventory</b>	On 10-12-06, the Court set a status hearing for failure to file a petition for final distribution.	<b>Note:</b> A Request for Special Notice was filed by attorney Gary Huss.
<b>PTC</b>	A status report filed 1-16-07 indicated that issues needed to be resolved among heirs, and a guardian ad litem may need to be appointed for the decedent's disabled daughter.	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		<b>Note:</b> It appears Mr. Huss may have received payment prior to Court authorization.
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		<b>Note:</b> If this matter is continued, notice should be sent to interested persons, including heirs, requests for special notice, and the surety.
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		<b>Status Report filed 5-20-14 requests an additional 6 months.</b>
<b>Order</b>		It appears a guardianship estate may need to be established for one of the heirs.
		<b>Reviewed by:</b> skc
<b>Aff. Posting</b>		<b>Reviewed on:</b> 11-10-14
<b>Status Rpt</b>		<b>Updates:</b>
<b>UCCJEA</b>		<b>Recommendation:</b>
<b>Citation</b>		File 10 – O'Neal
<b>FTB Notice</b>		



Probate Status Hearing Re: Failure to File a Petition for Final Distribution

DOD: 11-25-04	<b>PRESTON VAN CAMP</b> , Grandson, in pro per, was	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	appointed as Administrator with Full IAEA without	
	bond on 4-12-05 and Letters issued 4-14-05.	<u>Note: Status Report filed</u>
	Pursuant to various Assignments of Interest, the	<u>4-25-14 states Pamela Van</u>
	Administrator was also to be the sole beneficiary.	<u>Camp, one of the decedent's</u>
Cont from 041814, 052314		<u>daughters, stated she would</u>
Aff.Sub.Wit.	I&A filed 8-11-05 indicated a total estate value of	<u>like to assume the loan on the</u>
Verified	\$175,249.00 consisting of real and personal	<u>home and she thinks her sisters</u>
Inventory	property.	<u>would be okay with that. She</u>
PTC	A status report filed 4-17-09 indicated that the	<u>was informed she would have</u>
Not.Cred.	decedent apparently owed taxes since 1997;	<u>to pay fees as well, and was</u>
Notice of Hrg	therefore, the Administrator needed a 6-month	<u>given until April 15 to discuss</u>
Aff.Mail	continuance to sell assets, pay creditors, and file	<u>with family and look into how</u>
Aff.Pub.	the petition for final distribution. The Administrator	<u>to assume the loan.</u>
Sp.Ntc.	did not appear at the continued hearing date;	In order to resolve issues,
Pers.Serv.	however, and an OSC was issued.	Public Administrator requests a
Conf. Screen		6-month continuance.
Letters	On 11-28-06, Preston Van Camp was removed as	<u>As of 11-10-14, nothing further</u>
Duties/Supp	Administrator and the <b>FRESNO COUNT PUBLIC</b>	<u>has been filed.</u>
Objections	<b>ADMINISTRATOR</b> was appointed as Successor	
Video	Administrator. The former Administrator was	Reviewed by: skc
Receipt	ordered to file his final account and distribute to	Reviewed on: 11-10-14
CI Report	the Public Administrator. The former	Updates:
9202	Administrator's account and later his amended	Recommendation:
Order	account detailed various transactions, including	File 11 – Van Camp
Aff. Posting	granting an option to purchase the real property.	
Status Rpt	The Public Administrator filed objections, and	
UCCJEA	both the original account and the amended	
Citation	account were ultimately denied. According to	
FTB Notice	the amended petition, all assets inventoried (real	
	and personal property) remained on hand.	
	On 11-5-07, the Court ordered the assets turned	
	over to the Public Administrator and reserved the	
	right to surcharge.	
	There was no further activity in this case until	
	2-14-14 when the Court set this status hearing for	
	failure to file a petition for final distribution.	

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 8-27-13</b>		<b>BRENDA LONG SUTA</b> , Sister, was appointed Executor with Limited IAEA with bond of \$163,000.00 on 7-21-14.  Bond was filed 8-26-14 and Letters issued on 9-16-14.  At the hearing on 7-21-14, the Court set this status hearing for the filing of the Inventory and Appraisal.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>Note:</b></u> <b>Executor is a resident of Salt Lake City, UT.</b>  <b>1. Need Inventory and Appraisal pursuant to Probate Code §8800 or written status report pursuant to Local Rule 7.5.</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Verified</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Inventory</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>PTC</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Not.Cred.</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Notice of Hrg</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Aff.Mail</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Aff.Pub.</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Sp.Ntc.</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Pers.Serv.</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Conf. Screen</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Letters</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Duties/Supp</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Objections</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>Video Receipt</b>			<input type="checkbox"/>
<input type="checkbox"/>	<b>CI Report</b>	<input type="checkbox"/>		
<input type="checkbox"/>	<b>9202</b>	<input type="checkbox"/>		
<input type="checkbox"/>	<b>Order</b>	<input type="checkbox"/>		
<input type="checkbox"/>	<b>Aff. Posting</b>	<input type="checkbox"/>		
<input type="checkbox"/>	<b>Status Rpt</b>	<input type="checkbox"/>		
<input type="checkbox"/>	<b>UCCJEA</b>	<input type="checkbox"/>		
<input type="checkbox"/>	<b>Citation</b>	<input type="checkbox"/>		
<input type="checkbox"/>	<b>FTB Notice</b>	<input type="checkbox"/>		
<b>Reviewed by:</b> skc				
<b>Reviewed on:</b> 11-10-14				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 15 – Long</b>				

DOD: 2-2-01	BARBARA MORRIS, Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petition is incomplete.	
Cont from 081814, 092214		<u>Continued from 8-18-14, 9-22-14. As of 11-10-14, nothing further has been filed.</u>
Aff.Sub.Wit.		<u>Need amended petition based on the following:</u>
Verified		1. The petition is blank at #4c – intestate or will?
Inventory		2. The petition is blank at #6 at #9. Was the decedent survived by any other relatives?
PTC		3. The petition is blank at #7 and does not contain an attachment regarding what property Petitioner is requesting to be determined to pass to her.
Not.Cred.		4. The petition is blank at #12. Need verification that a petition for probate is not being filed (#12c).
Notice of Hrg		5. Petitioner does not state any facts necessary to make a determination of property passing to her as spouse. When were Petitioner and Decedent married? When was the property acquired? How was the property acquired? Any other details relevant pursuant to Probate Code §13651.
Aff.Mail		6. This petition was filed with a fee waiver. If property is determined to pass to Petitioner, the filing fee of \$435.00 will be due.
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 11-10-14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 16 – Morris

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

			<b>NO TEMP REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			<b>JESSICA I. VALDEZ</b> , Nonrelative ("Aunt"), is Petitioner. (Petitioner is in a relationship with the minor's maternal uncle.)  Father: <b>UNKNOWN</b> Mother: <b>BLANCA YBARRA</b>  Paternal Grandfather: Unknown Paternal Grandmother: Unknown  Maternal Grandfather: Jesus Ybarra - Deceased Maternal Grandmother: Unknown	<b>If this petition goes forward, the following issues exist:</b>  1. <b>Need Notice of Hearing.</b>  2. <b>Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</b> - Blanca Ybarra (Mother) - Michael Rogers (Minor) - Father <b>(Note: Petitioner states the father is unknown; however, the Court Investigator's report indicates that the father is incarcerated, but a name was not provided.)</b>  3. <b>Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</b> - Paternal Grandfather - Paternal Grandmother - Maternal Grandmother
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg	x		
<input type="checkbox"/>	Aff.Mail	x		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	x		
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			<b>Petitioner states</b> Michael needs a stable and safe environment to live. He is very intelligent and Petitioner feels that being around his mother and her frequent drug use will corrupt him. In the little time that he was with Petitioner, he was happy, liked his school, and planned on joining sports. He also enjoys band.  <b>Court Investigator Jennifer Daniel filed a report on 11-6-14.</b>	
			Reviewed by: skc Reviewed on: 11-10-14 Updates: Recommendation: File 17 – Rogers	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

<b>TEMP DENIED 9-24-14</b>			<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>JULIE BARKER</b> , Sister, is Petitioner.			
Father: <b>LLOYD BARKER</b>			If this petition goes forward, the following issues exist:
Mother: <b>MARIE BARKER</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		<ol style="list-style-type: none"> <li>1. Need investigation report and clearances.</li> <li>2. Need Notice of Hearing.</li> <li>3. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> <li>- Lloyd Barker (Father)</li> <li>- Marie Barker (Mother)</li> <li>- Alexis Barker (Minor)</li> <li>- Hannah Barker (Minor)</li> <li>- Caleb Barker (Minor)</li> </ul> </li> <li>4. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> <li>- Paternal Grandfather Virgil Barker, Sr.</li> <li>- Paternal Grandmother Hazel Barker</li> <li>- Maternal Grandfather Salvador Garcia</li> <li>- Siblings Justin Barker and Ashley Barker (if diligence not found)</li> </ul> </li> </ol>
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	x	
<input type="checkbox"/>	<b>Aff.Mail</b>	x	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	x	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>	x	
<input type="checkbox"/>	<b>Clearances</b>	x	
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<p>Paternal Grandfather: Virgil Barker, Sr. Paternal Grandmother: Hazel Barker</p> <p>Maternal Grandfather: Salvador Garcia Maternal Grandmother: Virginia Garcia - Deceased</p> <p>Additional siblings: Justin Barker, Ashley Barker - <i>Declarations of due diligence filed 9-23-14</i></p> <p><b>Petitioner states</b> there is abuse, drug use, and neglect going on in the mother's home. See petition for details and photos.</p> <p><b>Court Investigator Jennifer Daniel filed a report on 11-6-14.</b></p>			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-10-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File</b> 19 – Barker</p>

			<b>NO TEMP REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>Rights not advised</b></u>  <u><b>If this petition goes forward, the following issues exist:</b></u>  1. Need Investigation and advisement of rights  2. Need Citation.  3. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing per Probate Code §1824 on Proposed Conservatee Christina Coronado.
			<b>LETICIA HEREDIA</b> , Mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers under Probate Code §2355.	
			<b>Voting rights affected (?)</b>  <b>Need Capacity Declaration</b>  <b>Petitioner states</b> the proposed Conservatee is unable to accept the word "no" when wanting something. If answered with the word, "no," she tends to get very angry and makes threats.	
			<b>Court Investigator Jo Ann Morris filed a report on 11-7-14.</b>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report	X		
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation	X		
	FTB Notice			
				<b>Reviewed by:</b> skc <b>Reviewed on:</b> 11-10-14 <b>Updates:</b> <b>Recommendation:</b> <b>File 20 – Coronado</b>

			<b>GENERAL HEARING 1-5-15</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			<b>JAVIER and ELVIA RODRIGUEZ</b> , Maternal Grandparents, are Petitioners.	<b>Minute Order 11-3-14:</b> Matter continued to allow Petitioners time to locate and have the father served.
<b>Cont. from 110314</b>			Father: <b>JULIO CESAR NOVOA</b>	
	<b>Aff.Sub.Wit.</b>		Mother: <b>ELVIA ELVIRA RODRIGUEZ</b> - Deceased	
✓	<b>Verified</b>		Paternal Grandfather: Not listed Paternal Grandmother: Not listed	1. If notice to the father is not excused, need personal service of Notice of Hearing with a copy of the temporary guardianship petition at least five court days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Julio Cesar Novoa (Father)
	<b>Inventory</b>			2. The paternal grandparents are not listed. Information regarding the paternal grandparents will be required for the general hearing on 1-5-15, and service will be required pursuant to Probate Code §1511, <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence.
	<b>PTC</b>			
	<b>Not.Cred.</b>			
	<b>Notice of Hrg</b>	X	<b>Petitioners state</b> the children's mother died in 2008 and their father is currently residing in Mexico. The father is aware that he is not currently able to provide for the children. The children are currently living with Petitioners and Petitioners are able to provide for all of their needs and the children are happy and secure in their home.	
	<b>Aff.Mail</b>			
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>	X	Petitioners state temporary guardianship is needed for school and other programs that they are involved in related to their benefit.	
✓	<b>Conf. Screen</b>			
✓	<b>Letters</b>			
✓	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>Clearances</b>		Petitioners request that the Court excuse notice to the father because he is residing in Mexico.	<b>Reviewed by:</b> skc
✓	<b>Order</b>			<b>Reviewed on:</b> 11-10-14
	<b>Aff. Posting</b>			<b>Updates:</b>
	<b>Status Rpt</b>			<b>Recommendation:</b>
✓	<b>UCCJEA</b>			<b>File 21 – Novia-Rodriguez</b>
	<b>Citation</b>			
	<b>FTB Notice</b>			

		<b>TEMP GRANTED EX PARTE EXPIRES 11-3-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 11-3-14:</u> Mr. Ripoyla is served a copy of both petitions in open court, and he states his objection for the record. Any written response to the petition is to be filed by 11/10/14. Mr. Janisse represents to the Court Ezekiel's correct DOB. The Court extends the temporary orders without prejudice to preserve the status quo. Cont. to 111714 in Dept. 303. Temps ext. to 111714.  <u>Note:</u> Mr. Ripoyla filed Objection to Guardianship on 11-7-14.  1. Need proof of personal service of Notice of Hearing with a copy of the temporary guardianship petition at least five court days prior to the hearing pursuant to Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on:  - Unknown father of Stephanie Gonzalez
		<b>GENERAL HEARING 1-5-15</b>	
		<b>JESSE (JESUS) GONZALEZ</b> , Maternal Grandfather, and <b>JODI SCHROEDER</b> , fiancée of Maternal Grandfather, are Petitioners.	
		Father (Stephanie): <b>UNKNOWN</b>	
<b>Cont. from 110314</b>		Father (Robert, Emmanuel, Noah, Isaiah, and Ezekiel): <b>ROBERT RIPOYLA</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Mother: <b>STEPHANIE RIPOYLA</b> (Deceased)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Paternal Grandparents (Stephanie): Unknown	
<input type="checkbox"/>	<b>Inventory</b>	Paternal Grandfather (Robert, Emmanuel, Noah, Isaiah, and Ezekiel): Not listed	
<input type="checkbox"/>	<b>PTC</b>	Paternal Grandmother (Robert, Emmanuel, Noah, Isaiah, and Ezekiel): Irma Cisneros	
<input type="checkbox"/>	<b>Not.Cred.</b>	Maternal Grandmother: Andrea A. Davalos	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>Petitioners state</b> the mother died in a car accident on 10-4-14. The father of five of the children was abusive in the home. Prior to the mother's death, the children were living with the mother in a motel. They were unable to attend school regularly. Petitioners need to be able to communicate with the schools to ensure the children get back on track with attendance and receive the tutoring help they need to get caught up.	
<input type="checkbox"/>	<b>Aff.Mail</b>	Petitioners request the Court excuse notice to Robert Ripoyla, father of five of the children, because his address is unknown and he is violent and gang-affiliated. At this time, he is believed to be a threat of abducting the children. Petitioners state the children do not want to have contact with him. Points and authorities are provided re: good cause exists to dispense with notice to Mr. Ripoyla. The mother was involved in divorce proceedings against him and had a domestic violence restraining order to protect her and the children from his abuse.	
<input type="checkbox"/>	<b>Aff.Pub.</b>	According to the UCCJEA, the children have been with Petitioners since 10-5-14. Prior to that, they were with their mother in Fresno.	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 11-10-14	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 22 – Gonzalez &amp; Ripoyla</b>	



**Declaration of Ryan Mr. Janisse filed 10-31-14 states** Petitioners informed him that the father, Robert Ripoyla, and the paternal grandmother, Irma Alvarez, were living together. An initial Lexis-Nexis search and found an address in Merced, CA; however, they were not known at that address. **A second search to locate Irma, aka Erma, indicated a recent address in Livingston, CA. Robert and Irma were served on 10-30-14. Proof of service will be filed under separate cover.**

**Objection to Guardianship filed 11-7-14 by Robert Ripoyla, Sr., states** he believes the children belong with him due to the fact of their mother passing away. The accusations of him being abusive or gang related are false. Mr. Ripoyla states he does not have a history of violence or gang affiliation and he has never been arrested for any of these accusations. Before the passing of the children's mother, he came to court for custody and also came to mediation, which was cancelled because the courthouse was closed. He states he was supposed to come the next day, which was hard due to living in Merced, so the mother gained custody, but never proceeded to finish the divorce. Mr. Ripoyla states he is not going to talk down on any of the parties in this case. He wants to be able to have equal rights to his children as their mother did, raising them with their biological parent.